

Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges
House Judiciary Committee
February 17, 2022
Testimony by:
John C. Wobensmith

Thank you Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee.

House Bill 561 is a follow-up to last year's House Bill 1036 and requires the Maryland Judiciary to develop a training program for judges presiding over child custody cases involving child abuse or domestic violence. Too many of Maryland's children are sentenced to further abuse and neglect by judges who grant custody to an abusive parent, often by relying too heavily on child's counsel who have no expertise in abuse or domestic violence. This legislation will help protect these children by equipping judges to understand the nuances of abuse and domestic violence in these child custody cases.

I chaired the Workgroup to Study Child Custody Court Cases Involving Child Abuse or Domestic Violence Allegations, created by Chapter 52 in 2019 and sponsored by Senator Susan Lee. Former Vice Chair Atterbeary, Delegate Jazz Lewis, and Senators Lee and Carozza were active members of the year-long workgroup.

The workgroup was tasked with examining issues that arise as these cases move through the justice system. In addition to the six attorneys in the group (specializing in family law or child abuse cases or representing child advocacy nonprofits, Child Advocacy Centers, and the Office of the Public Defender), members of the group included a representative of the Department of Human Services, trauma recovery and education experts, and a parent impacted by current practices within the family court. In addition to testimony received from family law experts and advocates across the county, as the Workgroup gained recognition, many protective parents in Maryland contacted us, shared their experiences, and offered input that shaped the workgroup's recommendations. Maryland's Judiciary were invited but chose not to participate as a member of the workgroup.

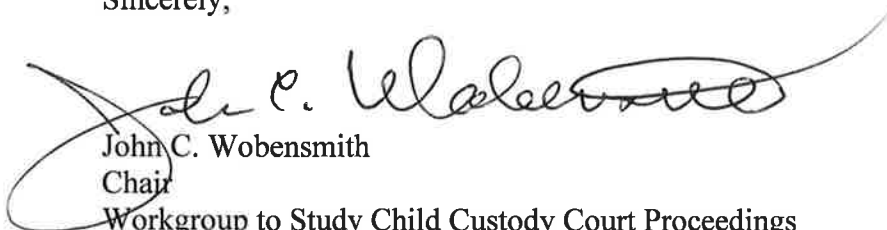
One Maryland mother spoke to the group about her 15-month-old son who was murdered by his father as a result of the court granting him unsupervised visitation. This man was a known suspect in two other murder cases, those of his own mother and his ex-girlfriend. He should have never had unsupervised access to this child. Maryland needs to work together with every stakeholder to do better to protect these vulnerable children and families. Their lives are at stake.

The workgroup aligns with the directive in [H.Con.Res.72](#) which states that child safety is the first priority of custody and visitation adjudications of custody where family violence is alleged. According to the resolution, approximately 15 million children are exposed to domestic violence and/or child abuse each year. Research confirms that allegations of domestic violence, child abuse and child sexual abuse are often discounted when raised in child custody litigation.

House Bill 561 was drafted as a result of the workgroup's final report and recommendations. It reflects the expert testimony and presentations that the workgroup received and the thorough and thoughtful deliberation in which the workgroup engaged. In the shaping and sponsoring of last year's bill, we are grateful that Delegate Atterbeary took into consideration the results of the final report, including all the data studied and expert testimony received. Even those opposed to the bill will admit that there are serious problem that place children at risk. Their solution is to have a conversation and leave change up to the Judiciary. These issues were identified over twenty years ago. It is time to provide protection to these children.

Specific training for judges, allowing only those who have received the training to work custody cases with abuse allegations, will equip these decision-makers with the understanding they need to ensure justice and protect the safety and well-being of children involved in State custody proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Wobensmith". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

John C. Wobensmith
Chair

Workgroup to Study Child Custody Court Proceedings
Involving Child Abuse or Domestic Violence Allegations